



District of Columbia Courts
500 Indiana Avenue, N.W., Room 6715
Washington, D.C. 20001-2131

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May 13, 2019

BY FIRST CLASS MAIL AND E-MAIL

Jade Chong-Smith
MuckRock News
DEPT MR 72208
411A Highland Ave
Somerville, MA 02144-2516

Dear Ms. Chong-Smith:

This is in response to your April 29, 2019 request for records pursuant to the D.C. Freedom of Information Act (D.C. FOIA). Specifically, you requested the following:

All statements of the general course and method, rules of procedure, substantive rules of general applicability adopted as authorized by law, statements of general policy or interpretations of general applicability formulated and adopted, and each amendment, revision, or repeal of the foregoing, regarding the pretrial drug testing of arrestees in the District of Columbia, including but not limited to the drug testing of arrestees prior to arraignment. This request includes the policies, rules, and procedures for testing and measuring an arrestee's use of drugs, what specimen or sample is collected, how much of that specimen or sample is collected, how the specimen or sample is collected, what drugs are tested for, how the drugs are tested, what error rates apply for each drug (such as the rate of false positive and false negatives), how screening is to be done for lawfully prescribed medications, what is done to avoid cross-contamination, what is done to keep track of each specimen or sample, chain of custody, how chain of custody is recorded, what paperwork and forms are to be completed, how such information is stored, retained, and transmitted, and for how long, and any other information regarding the procedure and methods of pretrial drug testing of arrestees in the District of Columbia.

All administrative staff manuals and instructions to staff regarding the pretrial drug testing of arrestees in the District of Columbia.

Copies of all records, regardless of form or format regarding the procedure for pretrial drug testing of arrestees in the District of Columbia (i) that have been released to any person under D.C. Code § 552, paragraph (3); and (ii) (I) that because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; or (II) that have been requested 3 or more times.

I must inform you that D.C. FOIA provisions do not apply to the District of Columbia Courts. I refer you to D.C. Code § 2-502 (3), (5) and (18A), and § 2-539, which exclude the District of Columbia Courts from the definition of "agency" and "public record" for purposes of the right of

acccess to public records under D. C. Code § 2-532. Consequently, the requested records will not be provided.

Sincerely,



Ryan K. Mullady, Esq.
Acting General Counsel